

.On December 13, 1989, officers seized 100 oxycodone tablets, 100 codeine phosphate tablets, 997 diazepam tablets and 28 plastic bags of marijuana from the defendant's home. The sum of \$909.00, found in the defendant's purse, was also seized.

On June 8, 1990, the \$909.00 was ordered forfeited by the Tennessee Department of Safety in a hearing pursuant to T.C.A. § 53-11-409(a)(6)(A). On November 1, 1990, the Knox County Grand Jury returned an indictment charging the defendant with possession of the drugs with intent to sell them. She was charged, also, with possession of the drugs with intent to deliver.

The defendant filed a motion to dismiss the indictment, which alleged the forfeiture entered on June 8, 1990 precluded the state from prosecuting her on the indictment by reason of the double jeopardy bar of the federal and state constitutions. On November 17, 1995, the trial judge granted the motion and dismissed the indictment.

We reverse the judgment of the trial court, reinstate the indictment and remand the case to the trial court for further proceedings.

There is no need for much analysis in this case.

In the case of *United States v. Ursery* and *United States v. \$405,089.23 in U.S. Currency*, 116 S. Ct. 2135, 64 U.S.L.W. 4565 (June 24, 1996), the United States Supreme Court held that civil forfeitures were not a bar to criminal proceedings arising from the episode, where the forfeiture is civil in nature and not an additional punishment. The Court of Criminal Appeals, in the case of *State v. Simpson*, No. 02C01-9508-CC-00239 (Tenn. Crim. App., filed at Jackson, August 2, 1996), applied the reasoning in the above cases to the forfeiture statute of Tennessee and held there was no bar to criminal prosecution in this state under the double jeopardy clause as asserted by the defendant.

The judgment of the trial court is reversed, the indictment is reinstated and the case is remanded to the trial court for further proceedings.

Costs of the appeal are taxed to the State of Tennessee.

John K. Byers, Senior Judge

CONCUR:

Paul G. Summers, Judge

Joseph M. Tipton, Judge